HELENA INDEPENDENT—Supplement

CONSTITUTION

STATE OF MONTANA,

As Adopted by the Constitutional Convention, Held at Helena July 4th, A.D. 1889, and Ending Aug. 17th A. D. 1889, And Also an Address to the People.

We, the people of Montana, grateful to Almighty God for the blessings of liberty, in order to secure the advantages of a the provisions of the enabling act of Congress, approved the twenty-second of February, A. D. 1889, ordain and establish

ARTICLE I.

of latitude to a point formed by its inter-section with the thirty-fourth degree of longitude west from Washington, thence due south along the thirty-fourth degree of longitude, to a point formed by its inter-

ARTICLE II. Section 1. Authority is hereby granted to and acknowledged in, the United States to exercise exclusive legislation as pro-vided by the Constitution of the United Fort Assinaboine, Fort Custer, Fort Keogh, Fort Maginnis, Fort Missoula and Fort Shaw, as now established by law, so long as said places remain military reservations, to the same extent and with the same effect as if said reservations had been purchased by the United States by consent of the Legislative Assembly of the State of Montana; and the Legislative Assembly is authorized and directed to enact any law necessary or proper to give effect to this article. Provided, That there be and is hereby reserved to the State the right to serve all legal process of the State both civil and criminal npon persons and property found within any of said reservations in all cases where the United States has not exclusive

vested in and derived from the people; all government of right originates with the people; is founded upon their will only and is instituted solely for the good of the

the sole and exclusive right of governing pendent State, and to alter and abolish heir constitution and form of governmen their safety and happiness, provided such change be not repugnant to the Constitu-tion of the United States.

SEC. 3. All persons are born equally all civil actions and in all criminal cases free, and have certain natural, essential not amounting to felony, two-thirds in and inalienable rights, among which may be reckoned the right of enjoying and deing, possessing and protecting property and of seeking and obtaining their safety and happiness in all lawful ways.

SEC. 4. The free exercise and enjoy ment of religious profession and worship without discrimination, shall forever her after be guaranteed, and no person shall be denied any civil or political right or privilege on account of his opinions concerning religion, but the liberty of conscito dispense with oaths or affirmations, excuse acts of licentiousness, by bigamous justify practices inconsistent with the good mining support any ministry, religious sect or de-nomination, against his consent; nor shall any preference be given by law to any

open, and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage. Sec. 6. Courts of justice shall be open to every person, and a speedy remedy

afforded for every injury of person, pro

erty or character and that right and SEC. 7. The people shall be secure i their persons, papers, homes and effects from unreasonable searches and seizures

and no warrant to search any place or seize any person or thing, shall issue without describing the place to be searched, without probable cause, supported by oath or affirmation, reduced to writing.

SEC 8. Criminal offenses, of which

inferior to the district court be prosecuted | Legislative Assembly or of the Governor district court, except those on appeal, shall be prosecuted by information, after examination and commitment by a magistrate, or after leave granted by the court, or shall be prosecuted by indictment without without such leave of the court. A grand jury shall consist of seven persons, of judicial, and no person or collection whom five must concur to find an indict

Sec. 9. Treason against the State shall consist only in levying war against it or in adhering to its enemies, giving them aid and comfort; no person shall be convicted of treason except on the testimony of two witnesses to the same overt act, or upon his confession in open court; no Legislative Assembly of the State of person shall be attainted of treason or Montana." conviction shall work corruption of blood or forfeiture of estate; the estates of per- for the term of two years, except as othersons who may destroy their own lives wise provided in this constitution.

pairing the freedom of speech; every per-

home, person and property, or in aid of the civil power when thereto legally sum-SEC. 14. Private property shall not be taken or damaged for public use withou just compensation having been first made to or paid into court for the owner.

Sec. 15. The use of all water no State government, do, in accordance with appropriated, or that may hereafter be appropriated for sale, rental, distribution or other beneficial use, and the right o way over the lands of others for all ditches drains, flumes, canals, and acqueduct as well as the sites for reservoirs necessar SECTION 1. The boundaries of the for collecting and storing the same, shall State of Montana shall be as follows, to.
wit: Beginning at a point formed by the intersection of the twenty-seventh degree of longitude were from Washington and South and Sout of longitude west from Washington with the forty-fifth degree of north latitude, the code west on the forty-fifth degree of latitude to the forty-

section with the crest of the Rocky and defend in person and by counsel; to Mountains, thence following the crest of demand the nature and cause of the accu thence northward along the crest the attendance of witnesses in his behalf, of the Bitter Root Mountains, to its intersection with the thirty-ninth degree of longitude west from Washington; thence along the thirty-ninth degree of longitude northward to the boundary line of the British Passessions, thence are of the British Possessions; thence east-ward along that boundary line to the SEC. 17. No person shall be imprisoned twenty seventh degree of longitude west for the purpose of securing his testimony from Washington; thence southward along the twenty-seventh degree of longitude to the place of beginning.

ARTICLE II.

ARTICLE III.

A be discharged upon giving the same; if he Union. and in the presence of the accused and hi counsel, or without their presence, if they shall fail to attend the examination after reasonable notice of the time and place thereof. Any deposition authorized by this section may be received as evidence

absent from the State. SEC. 18. No person shall be compelled to testify against himself, in a criminal proceeding, nor shall any person be twice put in jeopardy for the same offense. SEC. 19. All persons shall be bailable by sufficient sureties, except for capital of-fenses when the proof is evident or the

SEC. 20. Excessive bail shall not be re quired, or excessive fines imposed, or crue and unusual punishments inflicted.

SEC. 21. The privilege of the writ of habeas corpus shall never be suspended.

unless, in case of rebellion, or invasion the public safety require it. A DECLARATION OF RIGHTS OF THE in strict subordination to the civil power; PEOPLE OF THE STATE OF MONTANA. no soldier shall, in time of peace, be sent of the owner, nor in time of war, ex cept in the manner prescribed by law. not amounting to felony, upon default of appearance or by consent of the partie xpressed in such manner as the law may or a trial had by any less number of juror than the number provided by law. ury in a justice's court, both in civil case and in cases of criminal misdemanor shall

> jury concurred therein.
> Sec. 24. Laws for the punishment crime shall be founded on the principle of reformation and prevention, but thi

shall not affect the power of the Legisla-tive Assembly to provide for punishing of SEC. 25. Aliens and denizens shall have the same right as citizens to acquire purchase, possess, enjoy, convey, transm

and milling, reduction, concentrating an other works, and real property necessa and treating ores and mineral order, peace or safety of the State, or opposed to the civil authority thereof, or of the United States. No person shall be authority of the United States to provide SEC. 26. The people shall have the

mon good, and to apply to those invested with the powers of government for re dress of grievances by petition or remo Sec. 27. No person shall be deprive

State either slavery or involuntary servi-tude, except as a punishment for crime, whereof the party shall have been duly

tution are mandatory and prohibitory, un less by express words they are declared to SEC. 30. The enumeration in this con stitution of certain rights, shall not be cor

retained by the people. or armed body of men shall be brought in justice's courts and municipal and other to this State for the preservation of the courts, inferior to the district courts, peace or the suppression of domestic via nce, except upon the application of the

The powers of the government of the State are divided into three distinct de persons charged with the exercise A grand jury shall only be drawn and departments shall exercise any powers summoned when the District Judge shall properly belonging to either of the others in his discretion consider it necessary, and except as in this Constitution express!

SECTION 1. The legislative power shall be vested in a senate and house of repre-

sentative who shall not have attained the age of twenty-one years, or a senator who shall be passed containing more than one son shall be free to speak, write or publifour years, and who shall not be a citizen in its title; but if any subject shall be lish whatever he will on any subject, be- of the United States, and who shall not embraced in any act which shall not be ing responsible for all abuse of that liberty; (for at least twelve months next preceding and that in all suits and prosecutions for his election) have resided within the counvoid only as to so much thereof as shall libel, the truth thereof may be given in ty or district in which he shall be elected. not be so expressed.

privileges, franchises or immunities, shall tive Assembly to divide the State into senatorial and representative districts, but amended, or the provisions thereof extended by reference to its title only, but oned for debt except in the manner pre- from each county. The Senators shall be so much thereof as is revised, amende

moned shall not be called in question, but nothing herein contained shall be held to permit the carrying of concealed weapons.

Sec. 14. Private property shall not be taken or damaged for public use without just compensation having been first made odd or even numbered districts shall hold of the practice in courts of justice; regulating the practice in courts of justice; regulating the practice in courts of justice; odd or even numbered districts shall hold of the practice in courts of justice; regulating the jurisdiction and duties of justices of the peace; police magistrates or constables, changing the practice in courts of justices of the peace; police magistrates or constables, changing the practice in courts of justices of the peace; police magistrates or constables, changing the practice in courts of justices of the peace; police magistrates or constables, changing the practice in courts of justices of the peace; police magistrates or constables, changing the practice in courts of justices of the peace; police magistrates or constables, changing the practice in courts of justices of the peace; police magistrates or constables, changing the practice in courts of justices of the peace; police magistrates or constables, changing the practice in courts of justices of the peace; police magistrates or constables, changing the practice in courts of justices of the peace; police magistrates or constables, changing the practice in courts of justices of the peace; police magistrates or constables are proportionally proportion.

for his services, shall receive six dollars cases; declaring any person of age; for each day's attendance, and twenty cents limitation of civil actions; or giving efor each mile necessarily traveled in going to and returning from the seat of governent to his residence by the usually ve Assembly, after the first, which may nety days, shall exceed sixty days After the first session, the compensation or the members of the Legislative Assembly shall be as provided by law; Pro-vided, That no Legislative Assembly shall companies, and loan and trust compa

Sec. 6. The Legislative Assembly, (exrernment at twelve o'clock, noon, on he first Monday of January, next succeed- granting to any corporation, associat ing the general election provided by law, or individual the right to lay down rai road tracks, or any special or exclusive the few versions of the second versio

cannot give security his deposition shall be taken in the manner prescribed by law, shall, during the term for which he shall have been elected, be appointed to any civil office under the State; and no mem ber of Congress, or other person holding an office (except notary public, or in the militia) under the United States or this State, shall be a member of either house Sec. S. No member of either house have been elected, receive any increase of

> salary or mileage under any law passed SEC. 9. The Senate shall, at the be inning and close of each regular session and at such other times as may be neces arv. elect one of its members President oro tempore. The house of Representa ives shall elect one of its members Speak Each house shall choose its other offiers, and shall judge of the elections, re-

SEC. 11. Each house shall have power determine the rules of its proceedings, for contempt or disorderly behavior in its iolence or offers of bribes or private so icitation, and with the concurrence of two all other powers necessary for the Legisla-tive Assembly of a free state.

A member expelled for corruption shall not thereafter be eligible to either house of the Legislative Assembly; and punishment for contempt or disorderly behavior shall not bar a criminal prosecution for the same SEC. 12. Each house shall keep a jour-

nal of its proceedings and may, in its dis same, except such parts as require secrecy and the aves and noes on any questio

SEC. 13. The sessions of each house and of the committees of the whole shall be open unless the business is such as re quires secrecy.

SEC. 14. Neither house shall, without ne consent of the other, adjourn for than three days, nor to any othe act than that in which the two house anall be

SEC. 15. The members of the Legisla eason, felony, violation of their oath of office and breach of the peace, be privi-leged from arrest during their attendance the sessions of their respective houses and in going to and returning from the same; and for any speech or debate in either house they shall not be questioned n any other place.

SEC. 16. The sole power of impeach ent shall vest in the House of Represen-Il the members being necessary to the extried by the Senate sitting for that purpose nd the Senators shall be upon oath or affirmation to do justice according to law and evidence. When the Governor or tenant Governor is on trial, the Chief of the treasury except upon appropria tions made by law, and on warrant drawn ustice of the Supreme Court shall preside currence of two-thirds of the Senators

and judicial officers, except Justices of the high crimes and misdemeanors, or malfeasance in office, but judgment in such case shall only extend to removal from office and disqualification to hold any office of the state. The party whether convicted or acquitted shall, nevertheless, be liable to prosecution, trial, judgment and punish

SEC 18. All officers not liable to im seachment shall be subject to removal misconduct or malfeasance in office

Sec. 19. No law shall be passed exept by bill, and no bill shall be so al ither house as to change its origina SEC. 20. The enacting clause of ever the Legislative Assembly of the State

of Montana.

Sec. 21. No bill for the appropriation of money, except for the expenses of the government, shall be introduced within ept by unanimous consent of the house SEC. 22. No bill shall be considered become a law unless referred to a rinted for the use of the members. Sec. 23. No bill, except general apopriation bills, and bills for the codifiation and general revision of the laws, subject which shall be clearly expressed

evidence, and the jury, under the direction of the Court, shall determine the law and the facts.

SEC. 4. The Legislative Assembly of this State, until otherwise provided by law, shall consist of sixteen members of members present in each House, nor un-SEC. 24. No bill shall become a law, SEC. 11. No expost facto law, nor law the Senate, and fifty-five members of the less on its final passage, the vote betaken a bill. impairing the obligation of contracts, or making any irrevocable grant of special It shall be the duty of the first Legisla- those voting be entered on the journal.

SEC. 25. No law shall be revised or

scribed by law, upon refusal to deliver up his estate for the benefit of his creditors, from odd numbered districts shall constihis estate for the benefit of his creditors, or in cases of tort, where there is strong presumption of fraud.

Sec. 13 The right of any person to keep or bear arms in defense of his own

Senator shall he provided for by law, his is to say: For granting divorces; laying class shall be determined by lot.

One-half of the Senators elected to the or highways; vacating roads, town plats stables; changing the rules of eviden Sec. 5. Each member of the first in any trial or inquiry; providing for Legislative Assembly, as a compensation changes of venue in civil or criminal changes of venue in civil or criminal changes. fect to informal or invalid deeds; su moning or impaneling grand or pet juries; providing for the management of common schools; regulating the rate of in terest on money; the opening or con compensation, perquisite, or allowance terest on money; the opening or compensation. No session of the Legisla-ducting of any election or designating the place of voting; the sale or mor others under disability; or licensing ferries or bridges of toll roads; chartering banks, insurance ies; remitting fines, penalties or forfei ures; creating, increasing or decreasing cept the first) shall meet at the seat of fees, percentages or allowances of publi officers; changing the law of descent and at twelve o'clock, noon, on the first Monday of January, of each alternate year thereafter, and at other times

changing the names of persons or places term of service of the members thereof shall begin the next day after their election, until otherwise provided by law;

Provided, That the first Legislative Assembly shall meet at the seat of government upon the proclamation of the Government upon the proclamation of the Government of the state treasury; relinquishing or extinguishing, in whole or in part, the indebt-Governor after the admission of the State | guishing, in whole or in part, the indebt citzenship persons convicted of infamo sion or impairing of liens; creating ship or school districts; or authorizing the adoption or legitimation of childre In all other cases where a general lav can be made applicable, no special law shall be enacted.

SEC. 27. The presiding officer of each nouse shall, in the presence of the house over which he presides, sign all bills and oint resolutions passed by the Legisla ive Assembly immediately after their itles have been publicly read, and the fact of signing shall be at once entered upon the journal

SEC. 28. The Legislative Assembly shall prescribe by law the number, dutie and compensation of the officers and en ployes of each house; and no payment shall be made from the State treasury or constitute a quorum to de business, but a smaller number may adjourn from day to day, and compel the attendance of absent members in such manner and under the state of the st

rendered or contract made, nor provid State, without previou wise provided herein.

SEC. 30. All stationery. paper, fuel and lights, used in the Legilative and other departments of govern ment, shall be furnished, and the print ing and binding and distribution laws, journals and department reports and other printing and binding, and th repairing and furnishing the oms used for the meeting of the Legis lative Assembly and its committee shall be performed under contract, to b given to the lowest responsible bidder below such maximum price and under such regulations as may be prescribed by law. No member or officer of any any way interested in any such con tract; and ail such contracts shall be sub ject to the approval of the Governor an

State Treasurer. SEC. 31. Except as otherwise provide n this Constitution, no law shall extend he term of any public officer, or increase or diminish his salary or emolur orbid the Legislative Assembly from fixing the salaries or emoluments o nder this Constitution, where salaries or emoluments are not fixed b

Sec. 32. All bills for raising revenu shall originate in the House of Represer nendments as in the case of other bil Sec. 33. The general appropriation ations for the ordinary expenses of th tives; the concurrence of a majority of Legislative, Executive and Judicial de partments of the State, interest on the public debt and for public schools. Al eperate bills, each embracing but on

> the proper officer in pursuant thereof, except interest on the publit Sec. 35. No appropriation shall be made for charitable, industrial, education al or benevolent purposes to any person

shall not delegate to any special commis-sion, private corporation or association any power to make, supervise or inter fere with any municipal improvement ney, property or effects, whether held

SEC. 37. No act of the Legislative Asrust funds by executors, administrator ered or amended on its passage through | guardians or trustees in the bonds or tock of any private corporation.

Sec. 38. The Legislative Assembly shall have no power to pass any law authorizing the State, or any county in the State, to contract any debt or obligation in the construction of any railroad, nor give nor loan its credit to or in aid of the SEC. 39. No obligation or liability of

any person' association or corporation, cipal corporation therein, shall ever be exchanged, transferred, remitted, released or postponed, or in any way di-minish by the Legislative assembly; nor shall such liability or obligation be extinguished, except by the payment there-of into the proper treasury. SEC. 40. Every order, resolution of Houses may be necessary, except on the question of adjournment, or relating

of the two Houses, shall be presented to the Governor, and before it shall take ef-

offer or promise to give his vote or influnce in favor of or against any measure or proposition, pending or proposed to be ntroduced into the legislative assembly n consideration or upon condition that my other person elected to the same ucceeding term. Sec. 2. The officers provided for in gislative assembly will give, or will omise or assent to give, his vote or in sence in favor of or against any other

neasure or proposition pending or pro-losed to be introduced into such legisla offer or promise shall be deemed guilty of solicitation of bribery. If any mem-ber of the legislative assembly shall give his vote or influence for or against any neasure or proposition pending or pro ve assembly, or offer, promise or asser ssent to give, his vote or influence i favor of or against any other measure roposition pending or proposed to be stroduced into such legislative assembly r in consideration that any other memb hath given his vote or influence for on in such legislative assembly, he shall be deemed guilty of bribery, and any member of the legislative assembly, person elected thereto, who shall guilty of either such offenses shall b ble to the legislative assembly, and o the conviction thereof in the civil courts | twenty-five years, nor to the office

nay be prescribed by law. Sec. 42. Any person who shall direct! r indirectly offer, give or promise an oney or thing of value, testimonia privilege or personal advantage, to an executive or judicial officer or member of the legislative assembly, to influence him in the performance of any of his guilty of bribery, and be punished is such manner as shall be provided by

Sec. 43. The offense of corrupt soli itation of members of the legislative sembly, or of public officers of the tate, or of any municipal division there of, and the occupation or practice of so nfluence their official action shall be defined by law, and shall be punishable by Sec. 44. A member who has a persona

r private interest in any measure or bill roposed or pending before the legisla-ve assembly shall disclose the fact to he house of which he is a member, and Sec. 45. When vacancies occur is

either house the governor or the person exercising the functions of the governor shall issue writs of election to fill the

ARTICLE VI. APPORTIONMENT AND REPRESENTATION SECTION 1. One representative in the Congress of the United States shall be ected from the State at large, the firs Tuesday in October in 1889, and thereafmanner as may be prescribed by law.
When a new apportionment shall be made by Congress the Legislative Assembly shall divide the State into Consembly shall districts accordingly.

The content of the performance by any officer of any official duty, shall be collected in advance and duty, shall be collected in advance and the collected

SEC. 2. The Legislative Assembly shall provide by law for an enumeration of the inhabitants of the State in the year Sec. 29. No bill shall be passed giving any extra compensation to any public officer, servant or employe, agent or consion next following an enumer the United States, shall revise and adjust the apportionment for representa ves on the basis of such en ecording to ratios to be fixed by law.

Sec. 3. Representative districts may e altered from time to time as publi onvenience may require. When a rep wo or more counties, they shall be con-iguous, and the districts as compact as ay be. No county shall be divided in he formation of representative districts. SEC. 4. Whenever new counties are ntitled to one Senator, but in no cas

The Senatorial districts of the as follows: The county of Beaverhead shall constitute the first district, and be Madison shall constitute the second district, and be entitled to one Senator. The ounty of Gallatin shall constitute the third district, and be entitled to one Sen ator. The county of Jefferson shall constitute the fourth district, and be en-titled to one Senator. The county of Deer Lodge shall constitute the fifth district, and be entitled to one Senator. The county of Missoula shall constitute the sixth district, and be entitled to on Senator. The county of Lewis and Clarke shall constitute the seventh disrict, and be entitled to one Sen tor The county of Choteau shall constitute the eighth district, and be entitled to one nator. The county of Meagher shall constitute the ninth district, and be en Silver Bow shall constitute the tenth dis trict, and be entitled to one Senator the eleventh district, and be entitled to one Senator. The county of Yellowtone shall constitute the twelfth distric and be entitled to one Senator. thirteenth district, and be entitled to on Senator. The county of Fergus shall onstitute the fourteenth district, and be entitled to one Senator. The county of trict, and be entitled to one Senator. The county of Cascade shall constitute

the sixteenth district, and be entitled to SEC. 6. Uutil an apportionment of Repthe provisions of this article, they shall be divided among the several counties of the State in the following manner: The county of Beaverhead shall have two (2). The county of Madison shall have two (2) The county of Gallatin shall have two (2). The county of Jefferin trust or otherwise, or to levy taxes, or son shall have three (3). The county of to perform any municipal functions Deer Lodge shall have seven (7). The whatever. The county of Lewis and Clarke shall have eight (8). The county of Choteau shall have two (2). The county of Meagher shall have two (2). The county of Silver Bow shall have ten (10). The county of Custer shall have two (2). The county of Yellowstone shall have one (1). The county of Fergus shall have two (2). The county of Park shall have two (2). The county of Cascade shall have two (2). The counties of Dawson and Cascade shall have one (1) The counties of Deer Lodge and Beaverhead shall have one (1) jointly. The counties of Jefferson and Gallatin shall have one (1) jointly.

ARTICLE VII. EXECUTIVE DEPARTMENT. SECTION 1. The executive department shall consist of a governor, lieuoffice for four years, or until his successor | member of the board made thereto.

shall perform such duties as are prescribed in this constitution and by the aws of the state. The state treasurer hall not be eligible to his office for the

ection t of this article shall be elected y the qualified electors of the state at the time and place of voting for mem-bers of the legislative assembly, and the persons respectively having the highest umber of votes for the office voted for hall be elected; but if two or more shall have an equal and the highest number of votes for any one of said offices, the wo houses of the legislative assembly at its next regular session, shall forthwith by joint ballot elect one of such ersons for said office. The returns of lection for the officers named in section shall be made in such manner as may be prescribed by law, and all contested ections of the same, other than pro ided for in this section, shall be deternined as may be prescribed by law. Sec. 3. No person shall be eligible to the office of governor, lieutenant-gov ernor or superintendent of public in-struction unless he shall have attained he age of thirty years at the time of his election, nor to the office of secretary of state, state auditor or state treasure inless he shall have attained the age o attorney-general unless he shall have been admitted to practice in the supreme court of the state or territory of Mon-ana, and be in good standing at the time of his election. In addition to the qualifications above prescribed, each of the officers named shall be a citizen of the United States and have resided within

he state or territory two years next pre-

ceding his election. SEC. 4. Until otherwise provided by aw, the Governor, Secretary of State, State auditor, Treasurer, Attorney-gener al and Superintendent of Public Instruc ion, shall quarterly, as due, during their ontinuance in office, receive for their services compensation, which is fixed as follows: Governor, five thousand dollars per annum; Secretary of State, three thousand dollars per annum Attorney-General, three thousand dollars per annum; State Treasurer, thre thousand dollars per annum; State Auditor, three thousand dollars per annum; Superintendent of Public Instruction two thousand five hundred dollars per annum. The Lieutenant-Governor shall prescribed by law for the Speaker of the Legislative Assembly, to be allowed only during the sessiod of the Legis-lative Assembly. The compensations enumerated shall be in full for all services by said officers respectively ren dered in any official capacity or employ ment whatever during their respective terms of office, and the salary of no official shall be increased during his term ter at such times and places, and in such of office. No officer named in this sec

of Education during his term of office. Sec. 5. The supreme executive power of the state shall be vested in the ernor, who shall see that the laws are

SEC. 6. The governor shall be comthe state, except when these forces are n the actual service of the United States, and shall have power to call out any part or the whole of said forces to aid in the execution of the laws, to suppress insurrection or to repel invasion Sec. 7. The governor shall nominate and, by and with the consent of the sen-

ate, appoint all officers whose offices are established by this constitution, or which may be created by law, and whose apnate a vacancy occur in any such office on to discharge the duties thereof until he next meeting of the senate, when he office. If the office of secretary of state, state auditor, state treasurer, attorneytruction shall be vacated by death, resgnation or otherwise, it shall be the old his office until his successor shall be elected and qualified.

e appointed by the governor and conto examine the accounts of state treasurer, supereme court clerks, district court clerks and all county treasurers, and treasurers of such other public institutions as may be prescribed by law, and he shall perform such other duties as the legislative assembly may prescribe. He shall report at least once a year and oftener if required to such officers as the Great Seal of the State of Montana. may be designated by the legislative as embly. His compensation shall be fixed SEC. 9. The governor shall have the

ower to grant pardons, absolute or conand to grant commutation of punishments nent for any offenses committed against the criminal laws of this state; Provided, however, that before granting pardons, remitting fines and forfeitures or comnuting punishments, the action of the overnor concerning the same shall be pproved by a board, or a majority the Governor, under oath; they shall nereof, composed of the secretary of also, at least twenty days preceding each state, attorney-general and state auditor, regular session of the Legislative As-who shall be known as the board of parlaw prescribe the sessions of said board and regulate the proceedings thereof. But no fine or forfeitures shall be remit. SEC. 20. The Governor ted and no commutation or pardon granted except upon the approval of a sonstitute a Board of State Prison Commajority of said board after a full hear missioners, which board shall have such ng in open session and until notice of he time and place of such hearing, and with the State prisons as may be prescrib of the relief sought, shall have been ed by law. They shall constitute a Board given by publication in some newspaper of general circulation in the county where the crime was committed, at least or compensation of officers fixed by law, once a week for two weeks. The pro-ceedings and decisions of the board shall prescribed by law. And no claim be reduced to writing, and with their against the State except for salreasons for their action in each case, and aries and compensation of officers the dissent of any member who may disagree, signed by them and filed, with all papers used upon the hearing, in the of-fice of the Secretary of State. The Gov-said board. The Legislative Assembly ernor shall communicate to the Legis-lative Assembly, at each regular ses-sion, each case of remission of fine or forfeiture, reprieve, commutation or pardon granted since the last previous report, stating the name of the convict, the crime of which he was convicted tenant-governor, secretary of state, the sentence and its date, and the date attorney-general, state treasurer, state of remission, commutation, pardon or reauditor and superintendent of public in-struction, each of whom shall hold his same and the objections, if any, of any s elected and qualified, beginning on Sec. 10. The Governor may require legislative assembly may establish in any the first Monday of January next suc-

ning of each session, and from time to time by message, give to the Legislative As-sembly information of the condition of the State, and shall recommend such neasures as he shall deem expedient. sembly a statement with vouchers of the expenditures of all moneys belonging to the State and paid out by him. He shall also at the beginning of each session pre-sent estimates of the amount of money required to be raised by taxation for all

urposes of the State

SEC. 11. He may on extraordinary ocasions convene the Legislative Assembly by proclamation, stating the purpose for which it is convened, but when so con vened it shall have no power to legislate on any subjects other than those speci fied in the proclamation, or which may e recommended by the Governor, but may provide for the expenses of the sesto. He may also by proclamation, convene the Senate in extraordinary session SEC. 12. Every bill pased by the Leg-islative Assembly shall, before it becomes law, be presented to the Governor. If he approve, he shall sign it, and there-upon it shall become a law, but if he do ot approve, he shall return it, with his objections, to the House in which it orig-nated, which House shall enter the obections at large upon its journals, and proceed to reconsider the bill. If then two-thirds of the members present agree to pass the same, it shall be sent, to gether with the objections, to the other House, by which it shall likewise be reonsidered, and if approved by two-thirds of the members present in that House, t shall become a law notwithstanding he objections of the Governor. In all uch cases the vote of each House shall shall be six years. e determined by yeas and nays, to be not be returned by the Fovernor within five days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he shall be elected to hold his office until had signed it, unless the Legislative As-sembly shall by their adjournment pre-vent its return in which case it shall not become a law, without the approval of to hold his office until the general elected Governor. No bill shall become a tion in the year one thousand eight hunaw after the final adjournment of the Legislative Assembly, unless approved by the Governor within fifteen days after such adjournment. In case the Gov-thousand eight hundred ninetyter such adjournment. In case the Governor shall fail to approve of any bill safter the final adjournment of the Legislative Assembly it shall be filed, with his

power to disapprove of any item or items of any bill making appropriations of money, embracing distinct items, and the part or parts approved shall become a law, and the item or items disapproved in the year one thousand eight hunered ninety-two (1892), and if the Legislative shall be void, unless enacted in the man-ner following: If the Legislative As-sembly be in session he shall within five days transmit to the House in which the law in such manner that at least one of bill originated, a copy of the item or items thereof disapproved, together with his objections thereto, and the items obside at all sessions of the supreme court jected to shall be separately reconsidered, and in case of his absence, the associate and each item shall take the same course prescribed for the passage of bills shall preside in his stead, over the executive veto.

SEC. 14. In case of the failure to

Lieutenant-Governor SEC. 15. The Lieutenant-Governor Court. shall be President of the Senate, but SEC. shall vote only when the Senate is equally divided. In case of the absence | Court unless he shall have been addisqualification of the Lieutenant Governor from any cause which applies | Court of the Territory or State of Mor ovided for. If during a recess of the to the Governor, or when he shall hold tana, be at least thirty years of age and a dent pro tempore of the Senate shall per- he shall have resided in said Territor form the duties of the Lieutenant-Gov- or State at least two years next precedernor until the vacancy is filled or the ing his election.

SEC. 16. In case of the failure to qualify in his office, death, resignation, ab sence from the State, impeachment, con-viction of felony or infamous crime, or duty of the governor to fill the same by appointment, and the appointee shall ernor, the duties of the Governor shall devolve upon the President pro tempore sec. 8. The legislative assembly shall of either the Governor or Lieutenant of either the Governor or Lieutenant of cither the Governor be removed, or the vacancy dollars; and in all criminal cases provide for a state examiner, who shall Governor be removed, or the vacancy filled, and if the President pro tempore of irmed by the senate. His duty shall be the Senate, for any of the above named causes, shall become incapable of per-forming the duties of Governor, the same shall devolve upon the Speaker of insolvency; of actions to prevent or

SEC. 17. The first legislative assembly shall provide a seal for the State, which shall be kept by the Secretary of State and used by him officially, and known as SEC. 18. All grants and commissions shall be in the name and by the authority of the State of Montana, sealed with the Great Seal of the State, signed by They shall have appellate jurisdiction in the Governor, and sounter-signed by the

the officers of the Executive Depart-ment, and of all public institutions of the State, of all moneys received by them severally from all sources, and for every service performed, and of all moneys disbursed by them severally, and a semiannual report thereof shall be made to the Governor, under oath; they shall ons. The legislative assembly shall by of their official transactions to the Governor, who shall transmit the same to

SEC. 20. The Governor, Secretary of State and Attorney General shall conmissioners, which board shall have such supervision of all matters connected of Examiners, with power to examine all claims against the State, except salaries Legislative Assembly without first hav-ing been considered and acted upon by may provide for the temporary suspension of the State Treasurer by the Governor when the Board of Examiner deem such action necessary for the protection of the moneys of the State. ARTICLE VIII.

IUDICIAL DEPARTMENTS. State shall be vested in the senate sitting as a court of impeachment, in a supreme court, district court, justices of the peace, and such other inferior courts as the Park and Meagher counties. Seventh

SEC. 2. The supreme court, except as therwise provided in this constitution,

SEC. 14. The Legislative Assembly ceeding his election, except that the terms of office of those who are elected subject relating to their respective duties of the executive department upon any terms of office of those who are elected subject relating to their respective duties of the executive department upon any terms of office of those who are elected subject relating to their respective duties of the executive department upon any terms of office of those who are elected subject relating to their respective duties. at the first election shall begin when the of their respective offices, which information shall be given upon oath when-

rnment, where they shall keep the publexpenses of their respective offices and the supreme court shall extend to all nstitutions, and may, at any time he deems | cases at law and in equity, subject, howit necessary, appoint a committee to investigate and report to him upon the condition of any executive office or State institution. The governor shall at the beginbeas corpus, mandamus, quo-warranto, such other original and remedial writs as may be necessary or proper to the complete exercise of its appellate jurisdiction. When a jury is required in the supreme court to determine an issue of fact, said court shall have power to summon such jury in such manner as may be provided by law. Each of the justices of the su-

preme court shall have power to issue writs of habeas corpus to any part of the State, upon petition by or on behalf of, may make such writs returnable before iself, or the supreme court, or before any district court of the State or any judge thereof; and such writs may be heard and determined by the justice, or court, or judge, before whom they are made returnable. Each of the justices of the supreme court may also issue and hepr and determine writs of ce.iorari in proceedings for contempt in as he may be authorized by law to issue. SEC. 4. At least three terms of the upreme court shall be held each year at the seat of government.
SEC. 5. The supreme court shall con-

sist of three justices, a majority of whom shall be necessary to form a quorum or ronounce a decision, but one or more from day to day, or to a day certain, and the legislative assembly shall have the astices to not less nor more than five. SEC. 6. The justices of the supreme ourt shall be elected by the electors of he state at large, as hereinafter provided. SEC. 7. The term of office of the justices of the supreme court, except as in this constitution otherwise provided,

SEC. 8. There shall be elected at the first general election provided for by this Constitution, one chief justice and two associate justices of the supreme court. the general election in the year one thousand eight hundred ninety-two (1892), and one of the associate justices bjections, in the office of the Secretary of one shall be chief justice, shall at the first and all subsequent elections be designated by ballot. After said first elec-

SEC. 9. There shall be a Clerk of the Supreme Court, who shall hold his office qualify, the impeachment or conviction of felony or infamous crime of the governor, or his death, removal from office, esignation, absence from the State, or year one thousand eight hundred ninetyduties of his office, the powers, duties and emoluments of the office, for the residue of the term, or until the disability shall cease, shall devolve upon the fixed by law, and his duties prescribed by law and by the rules of the Supreme

to the office of Justice of the Supreme

original jurisdiction in all cases at law and in equity, including all cases which real property, or the legality of any tax, impost, assessment, toll or municipal fine, and in all cases in which the debt, damage, claim or demand, exclusive of amounting to felony, and in all cases of misdemeanor not otherwise proand unlawful detainer; of proceedings in abate a nuisance; of all matters of probate; of actions of divorce and for annullment of marriage, and for all such special actions and proceedings as are courts shall have the power of naturalization, and to issue papers therefore, in all cases where they are authorized so to do by the laws of the United States. such cases arising in justices and other Secretary of State.

Sec. 19. An account shall be kept by tricts as may be prescribed by law, and process shall extend to all parts of the State, provided that all actions for the recovery of, the possession of, quieting liens upon real property shall be com-menced in the county in which the real such action or actions, is situated. Said courts and judges thereof shall have writs of mandamus, quo warranto, certiorari, prohibition, injunction and other writs of habeas corpus on petition by, or on behalf of, any person held in actual custody in their respective districts. Inunctions, writs of prohibition and habeas orpus may be issued and served on egal holidays and non-judicial days.

Sec. 12. The State shall be divided into judicial districts in each of which there shall be elected by the electors thereof one judge of the district court, whose term of office shall be four years except that the district judges, first elected shall hold their offices only until the general election in the year one thousand eight hundred ninety-two (1892), and until their successors are district court may hold cou other district judge, and shall do so when required by law.
SEC. 13. Until otherwise provided by

law, the judicial districts of the State shall be constituted as follows: First district. Lewis and Clarke county Third district, Deer Lodge county district, Beaverhead, Jefferson and Madi-son counties. Sixth district, Gallatin, district, Yellowstone, Custer and Daw-

fect be approved by him, or, being disapproved, be repassed by two-thirds of both Houses, as prescribed in the case of a bill.

Sec. 41. If any person elected to either house of the legislative assembly shall